

BILL NO. Z-87-03-25

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

The North 95 feet of Lot #351 in Hamilton's Fourth
Addition to the City of Fort Wayne, Allen County,
Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. M-
3, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That the Ordinance shall be in full force
and effect from and after its passage and approval.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Evans, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W.
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock, _____.M.

DATE: 3-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Evans, and duly adopted, placed on its
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>1</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>1</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>1</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>1</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>1</u>	_____	_____	_____
<u>REDD</u>	_____	<u>1</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>1</u>	_____	_____	_____
<u>STIER</u>	_____	<u>1</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>1</u>	_____	_____	_____

DATE: 5-12-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR., MAYOR

CL# 2214

RECEIPT

No 1175

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 2/10 1987

RECEIVED FROM Spatt Plumbing \$50.00

THE SUM OF Fifty 100 DOLLARS

ON ACCOUNT OF 128 E Coughton Ave
Rayone

AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED FEBRUARY 13, 1987

INTENDED USE car lot used

I/We LOUIE A. SPATT, SR.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B3B District the property described as follows:

LOUIE A. SPATT, SR. - 140 E. CREIGHTON AV. - FORT WAYNE, IN. 46803

HAMILTON'S FOURTH ADDITION: LOT 351, THE NORTH 95 FT. OF LOT 351.

TO THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

140 E. CREIGHTON AV. - FORT WAYNE, IN. 46803

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

LOUIE A. SPATT, SR.

128 E. CREIGHTON AV.
FT. WAYNE, IN. 46803

(Name)

(Address)

LOUIE A. SPATT, SR.
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

LOUIE A. SPATT, SR.

2710-7 NORTHGATE BLVD. FT. W., IN.

486-5947

(Name)

(Address & Zip Code) 46835

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

LOUIE A. SPATT, SR. - 140 E. CREIGHTON AV. FT. WAYNE, IN. 46803

HAMILTON'S FOURTH ADDITION LOT 351, THE NORTH 95 FT. OF LOT 351.

TO THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA.

Owners of Property

LOUIE A. SPATT, SR.	128 E. CREIGHTON AV.	
	FT. WAYNE, IN. 46803	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-03-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 16, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

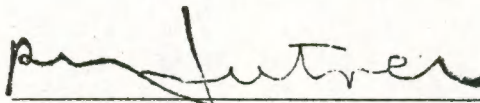
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 23, 1987.

Certified and signed this
8th day of May 1987.


Robert Hutner
Secretary

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-3 to B-3-B

DETAILS

Specific Location and/or Address

140 E. Creighton

Reason for Project

To allow for Used Car Sales.

Discussion (Including relationship to other Council actions)

16 March 1987 - Public Hearing

Minutes of Public Hearing are Attached.

23 March 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Louie Spatt

City Department

Other

Opponents

Groups or Individuals

Arthur Amt with Larez Assn
Felicia Hayes, Pres of Larez

Basis of Opposition

- detriment to residential rehab in area
- would create a traffic hazard

Staff Recommendation

☐ For ☒ Against

Reason Against

- create negative influence in area
- discourage residential reinvestment in area

Board or Commission Recommendation

By

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 10 February 1987

Projected Completion or Occupancy

Date 8 May 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 8 May 1987

Reviewed by

Shirley Becker
Reference or Case Number

Date 5/11/87

b. Change of Zone #255
From R-3 to B-3-B
140 E. Creighton Street

Louie Spatt, owner of the property appeared before the Commission. Mr. Spatt stated that he owned and operated Spatt Plumbing and Heating Company on the corner of Creighton and Clinton Streets. He stated that the property in question is Lot #351 and that his place of business is on Lot #352. He stated that 5 or 6 years ago he appeared before the Commission to rezone his property from R-3 to a B-3-B all except Lot #351. He stated they did rezone 5 foot of Lot #351 as B-3-B. He stated that he purchased the property and has since razed the apartment that was it. He stated that he was intending to retire from the plumbing and heating business and wanted to be able to utilize this Lot #351 for income purposes. He stated that he has been in the area for almost 30 years and has always tried to maintain his property. He stated that he had appeared before the LaRez Neighborhood Association and explained what he wanted to do with the property. He stated that he has since received a letter from the association requesting the Commission deny his request because someone informed them that he was going to put a Used Car Lot on the property. He stated he might put a Used Car Lot on the property but he did not feel it would be a detriment to the area. He stated that this whole quarter of a block from Clinton to the alley west from the south to Creighton is all B-3-B except for a small parcel of land 45' x 90' that sits dormant there. He stated that he really does not know what to do with the property with out getting it rezoned.

Mel Smith questioned if the plumbing and heating business would still exist after he retired. He stated that the R-1 area in question was used for parking for the business.

Mr. Spatt stated that part of it will be.

Mel Smith questioned if there were conditions placed on the property being used as a parking lot.

Mr. Spatt stated that he has blue prints that were okayed by the LaRez Association and the Plan Commission about 6 or 7 years ago regarding the parking lot. He stated the parking lot was okayed and the reason he did not beautify the area was that when the building was razed the basement was not properly filled and the basement kept sinking and it took approximately 4 years of filling in order to get the lot leveled and blacktopped. He stated that in 1981, 1982, 1983 and part of 1984 there was a recession and it was not financially feasible to invest the money in the property. He stated that he felt the reason that they did not rezone the whole lot to B-3-B before is that the LaRez Association was concerned about a building be put on the lot. He stated that he promised the association in writing that he would never build on that parcel of land. He stated he is still in agreement to not building on the land. He stated though that he did not understand why the association would be against the rezoning now because it is such a small parcel of land.

MINUTES
16 March 1987

Felicia Hayes, President of LaRez Neighborhood Association appeared before the Commission. She stated that she had met with the Executive Board and the Association and they do oppose the rezoning. She stated that they feel having a car lot across from the Reservoir Park would be a detriment.

Edith Kenna stated that she would like to support the Neighborhood Association but stated that the property is zoned R-3 and would with a variance allow for an office. She questioned if the association would accept an office on the property. She stated that the Commission cannot force someone to hold their property vacant.

Rev. John Elliot, pastor of the Faith United Methodist Church appeared before the Commission. Rev. Elliot stated that the general condition of the area has improved considerably over the last 10 to 15 years. He stated that the top priority of the Outreach Program sponsored by the church is housing rehabilitation. He stated they have been encouraging the City of Fort Wayne to hopefully bring to Fort Wayne a Neighborhood Housing Service. He stated that the City has in turn suggested that the church organization itself do housing rehabilitation. He stated that this would be the only commercial enterprise across from the park and if the park is rehabilitated, as they have supported, it does change the picture. He stated that it looks like the near south side of Fort Wayne in the next few years actually begin to increase as being somewhat rehabbed. He stated that the neighborhood would prefer that property be zoned to R-1 wherever possible. He stated that they would oppose that particular type of an enterprise going in there and the zoning that would make it possible.

Ms. Jackie Koenig appeared before the Commission. Ms. Koenig stated that she owned several properties in the neighborhood. She stated that she has moved into the area in the last 4 years and has "rolled up her sleeves". She stated that she has gone over and cleaned up the park and worked at cleaning up the neighborhood. She stated that she felt Mr. Spatt's plan would cause a traffic nuisance to the neighborhood and also downgrade the area.

Arthur Amt, member of the Executive Board of the LaRez Neighborhood Association stated that the association is not opposed to plumbing establishments or used car lots. He quoted from the letter sent to Mr. Spatt from the association which stated that the association is concerned about maintaining the residential quality of the area. He stated that they are concerned with protecting the neighborhood for the future.

MINUTES
16 March 1987

Mr. Spatt in rebuttal stated that they checked with the State Highway Department regarding the curb cut and they were informed that the curb cut could be maintained. He stated that he lived there some years back. He stated that there are many accidents at that corner but they are generated from drunkenness or running red lights. He stated that there is not a chargeable accident on record from Spatt Plumbing & Heating using this lot for a parking lot.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 140 E. Creighton Street 387-03-25

EFFECT OF PASSAGE _____ Property is now zoned R-3 - Multi Family Residential.
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE _____ Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

BILL NO. Z-87-03-25

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~XXXXXXXXXXXX~~) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. M-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 5-12-87

Janet G. Bradbury

[Signature]

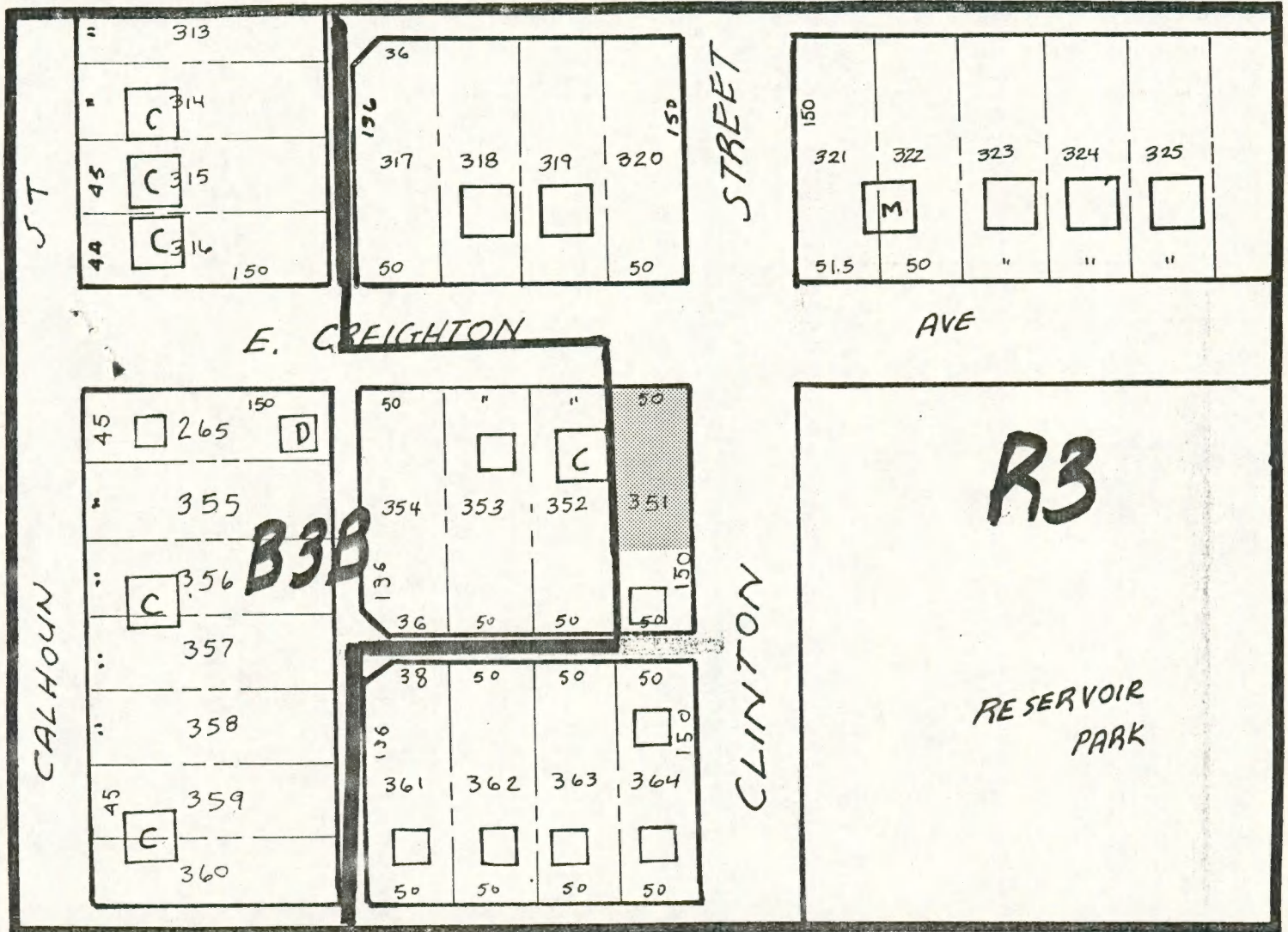
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #455

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-3 DISTRICT TO A B-3-B DISTRICT.

MAP NO. M-3

COUNCILMANIC DISTRICT NO. 1



ZONING:

R-3 RESIDENTIAL DISTRICT
B3B GENERAL BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ DUPLEX
- ☒ MULTI-FAMILY
- ☒ COMMERCIAL

SCALE: 1"=100'

DATE: 7.17.87

